

2SHB 2344 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to
4 read as follows:

5 The comprehensive plan of a county or city that is required or
6 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
7 and descriptive text covering objectives, principles, and standards
8 used to develop the comprehensive plan. The plan shall be an
9 internally consistent document and all elements shall be consistent
10 with the future land use map. A comprehensive plan shall be adopted
11 and amended with public participation as provided in RCW 36.70A.140.

12 Each comprehensive plan shall include a plan, scheme, or design for
13 each of the following:

14 (1) A land use element designating the proposed general
15 distribution and general location and extent of the uses of land, where
16 appropriate, for agriculture, timber production, housing, commerce,
17 industry, recreation, open spaces, general aviation airports, public
18 utilities, public facilities, and other land uses. The land use
19 element shall include population densities, building intensities, and
20 estimates of future population growth. The land use element shall
21 provide for protection of the quality and quantity of ground water used
22 for public water supplies. Wherever possible, the land use element
23 should consider utilizing urban planning approaches that promote
24 physical activity. Where applicable, the land use element shall review
25 drainage, flooding, and storm water run-off in the area and nearby
26 jurisdictions and provide guidance for corrective actions to mitigate
27 or cleanse those discharges that pollute waters of the state, including
28 Puget Sound or waters entering Puget Sound.

29 (2) A housing element ensuring the vitality and character of
30 established residential neighborhoods that: (a) Includes an inventory

1 and analysis of existing and projected housing needs that identifies
2 the number of housing units necessary to manage projected growth; (b)
3 includes a statement of goals, policies, objectives, and mandatory
4 provisions for the preservation, improvement, and development of
5 housing, including single-family residences; (c) identifies sufficient
6 land for housing, including, but not limited to, government-assisted
7 housing, housing for low-income families, manufactured housing,
8 multifamily housing, and group homes and foster care facilities; and
9 (d) makes adequate provisions for existing and projected needs of all
10 economic segments of the community.

11 (3) A capital facilities plan element consisting of: (a) An
12 inventory of existing capital facilities owned by public entities,
13 showing the locations and capacities of the capital facilities; (b) a
14 forecast of the future needs for such capital facilities; (c) the
15 proposed locations and capacities of expanded or new capital
16 facilities; (d) at least a six-year plan that will finance such capital
17 facilities within projected funding capacities and clearly identifies
18 sources of public money for such purposes; and (e) a requirement to
19 reassess the land use element if probable funding falls short of
20 meeting existing needs and to ensure that the land use element, capital
21 facilities plan element, and financing plan within the capital
22 facilities plan element are coordinated and consistent. Park and
23 recreation facilities shall be included in the capital facilities plan
24 element.

25 (4) A utilities element consisting of the general location,
26 proposed location, and capacity of all existing and proposed utilities,
27 including, but not limited to, electrical lines, telecommunication
28 lines, and natural gas lines.

29 (5) Rural element. Counties shall include a rural element
30 including lands that are not designated for urban growth, agriculture,
31 forest, or mineral resources. The following provisions shall apply to
32 the rural element:

33 (a) Growth management act goals and local circumstances. Because
34 circumstances vary from county to county, in establishing patterns of
35 rural densities and uses, a county may consider local circumstances,
36 but shall develop a written record explaining how the rural element
37 harmonizes the planning goals in RCW 36.70A.020 and meets the
38 requirements of this chapter.

1 (b) Rural development. The rural element shall permit rural
2 development, forestry, and agriculture in rural areas. The rural
3 element shall provide for a variety of rural densities, uses, essential
4 public facilities, and rural governmental services needed to serve the
5 permitted densities and uses. To achieve a variety of rural densities
6 and uses, counties may provide for clustering, density transfer, design
7 guidelines, conservation easements, and other innovative techniques
8 that will accommodate appropriate rural densities and uses that are not
9 characterized by urban growth and that are consistent with rural
10 character.

11 (c) Measures governing rural development. The rural element shall
12 include measures that apply to rural development and protect the rural
13 character of the area, as established by the county, by:

14 (i) Containing or otherwise controlling rural development;

15 (ii) Assuring visual compatibility of rural development with the
16 surrounding rural area;

17 (iii) Reducing the inappropriate conversion of undeveloped land
18 into sprawling, low-density development in the rural area;

19 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
20 surface water and ground water resources; and

21 (v) Protecting against conflicts with the use of agricultural,
22 forest, and mineral resource lands designated under RCW 36.70A.170.

23 (d) Limited areas of more intensive rural development. Subject to
24 the requirements of this subsection and except as otherwise
25 specifically provided in this subsection (5)(d), the rural element may
26 allow for limited areas of more intensive rural development, including
27 necessary public facilities and public services to serve the limited
28 area as follows:

29 (i) Rural development consisting of the infill, development, or
30 redevelopment of existing commercial, industrial, residential, or
31 mixed-use areas, whether characterized as shoreline development,
32 villages, hamlets, rural activity centers, or crossroads developments.

33 (A) A commercial, industrial, residential, shoreline, or mixed-use
34 area shall be subject to the requirements of (d)(iv) of this
35 subsection, but shall not be subject to the requirements of (c)(ii) and
36 (iii) of this subsection.

37 (B) Any development or redevelopment other than an industrial area

1 or an industrial use within a mixed-use area or an industrial area
2 under this subsection (5)(d)(i) must be principally designed to serve
3 the existing and projected rural population.

4 (C) Any development or redevelopment in terms of building size,
5 scale, use, or intensity shall be consistent with the character of the
6 existing areas. Development and redevelopment may include changes in
7 use from vacant land or a previously existing use so long as the new
8 use conforms to the requirements of this subsection (5);

9 (ii) The intensification of development on lots containing, or new
10 development of, small-scale recreational or tourist uses, including
11 commercial facilities to serve those recreational or tourist uses, that
12 rely on a rural location and setting, but that do not include new
13 residential development. A small-scale recreation or tourist use is
14 not required to be principally designed to serve the existing and
15 projected rural population. Public services and public facilities
16 shall be limited to those necessary to serve the recreation or tourist
17 use and shall be provided in a manner that does not permit low-density
18 sprawl;

19 (iii) The intensification of development on lots containing
20 isolated nonresidential uses or new development of isolated cottage
21 industries and isolated small-scale businesses that are not principally
22 designed to serve the existing and projected rural population and
23 nonresidential uses, but do provide job opportunities for rural
24 residents. Rural counties may allow the expansion of small-scale
25 businesses as long as those small-scale businesses conform with the
26 rural character of the area as defined by the local government
27 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
28 allow new small-scale businesses to utilize a site previously occupied
29 by an existing business as long as the new small-scale business
30 conforms to the rural character of the area as defined by the local
31 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
32 and public facilities shall be limited to those necessary to serve the
33 isolated nonresidential use and shall be provided in a manner that does
34 not permit low-density sprawl;

35 (iv) A county shall adopt measures to minimize and contain the
36 existing areas or uses of more intensive rural development, as
37 appropriate, authorized under this subsection. Lands included in such
38 existing areas or uses shall not extend beyond the logical outer

1 boundary of the existing area or use, thereby allowing a new pattern of
2 low-density sprawl. Existing areas are those that are clearly
3 identifiable and contained and where there is a logical boundary
4 delineated predominately by the built environment, but that may also
5 include undeveloped lands if limited as provided in this subsection.
6 The county shall establish the logical outer boundary of an area of
7 more intensive rural development. In establishing the logical outer
8 boundary the county shall address (A) the need to preserve the
9 character of existing natural neighborhoods and communities, (B)
10 physical boundaries such as bodies of water, streets and highways, and
11 land forms and contours, (C) the prevention of abnormally irregular
12 boundaries, and (D) the ability to provide public facilities and public
13 services in a manner that does not permit low-density sprawl;

14 (v) For purposes of (d) of this subsection, an existing area or
15 existing use is one that was in existence:

16 (A) On July 1, 1990, in a county that was initially required to
17 plan under all of the provisions of this chapter;

18 (B) On the date the county adopted a resolution under RCW
19 36.70A.040(2), in a county that is planning under all of the provisions
20 of this chapter under RCW 36.70A.040(2); or

21 (C) On the date the office of financial management certifies the
22 county's population as provided in RCW 36.70A.040(5), in a county that
23 is planning under all of the provisions of this chapter pursuant to RCW
24 36.70A.040(5).

25 (e) Exception. This subsection shall not be interpreted to permit
26 in the rural area a major industrial development or a master planned
27 resort unless otherwise specifically permitted under RCW 36.70A.360 and
28 36.70A.365.

29 (6) A transportation element that implements, and is consistent
30 with, the land use element.

31 (a) The transportation element shall include the following
32 subelements:

33 (i) Land use assumptions used in estimating travel;

34 (ii) Estimated traffic impacts to state-owned transportation
35 facilities resulting from land use assumptions to assist the department
36 of transportation in monitoring the performance of state facilities, to
37 plan improvements for the facilities, and to assess the impact of land-
38 use decisions on state-owned transportation facilities;

1 (iii) Facilities and services needs, including:

2 (A) An inventory of air, water, and ground transportation
3 facilities and services, including transit alignments and general
4 aviation airport facilities, to define existing capital facilities and
5 travel levels as a basis for future planning. This inventory must
6 include state-owned transportation facilities, and rail facilities,
7 within the city or county's jurisdictional boundaries. The
8 identification required by this subsection (6)(a)(iii)(A) must include
9 an inventory of active and inactive rail corridors and must provide for
10 and encourage the preservation of these rail corridors for future rail
11 purposes;

12 (B) Level of service standards for all locally owned arterials and
13 transit routes to serve as a gauge to judge performance of the system.
14 These standards should be regionally coordinated;

15 (C) For state-owned transportation facilities, level of service
16 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
17 to gauge the performance of the system. The purposes of reflecting
18 level of service standards for state highways in the local
19 comprehensive plan are to monitor the performance of the system, to
20 evaluate improvement strategies, and to facilitate coordination between
21 the county's or city's six-year street, road, or transit program and
22 the department of transportation's six-year investment program. The
23 concurrency requirements of (b) of this subsection do not apply to
24 transportation facilities and services of statewide significance except
25 for counties consisting of islands whose only connection to the
26 mainland are state highways or ferry routes. In these island counties,
27 state highways and ferry route capacity must be a factor in meeting the
28 concurrency requirements in (b) of this subsection;

29 (D) Specific actions and requirements for bringing into compliance
30 locally owned transportation facilities or services that are below an
31 established level of service standard;

32 (E) Forecasts of traffic for at least ten years based on the
33 adopted land use plan to provide information on the location, timing,
34 and capacity needs of future growth;

35 (F) Identification of state and local system needs to meet current
36 and future demands. Identified needs on state-owned transportation
37 facilities must be consistent with the statewide multimodal
38 transportation plan required under chapter 47.06 RCW;

1 (iv) Finance, including:

2 (A) An analysis of funding capability to judge needs against
3 probable funding resources;

4 (B) A multiyear financing plan based on the needs identified in the
5 comprehensive plan, the appropriate parts of which shall serve as the
6 basis for the six-year street, road, or transit program required by RCW
7 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
8 for public transportation systems. The multiyear financing plan should
9 be coordinated with the (~~six-year~~) ten-year improvement program
10 developed by the department of transportation as required by RCW
11 47.05.030;

12 (C) If probable funding falls short of meeting identified needs, a
13 discussion of how additional funding will be raised, or how land use
14 assumptions will be reassessed to ensure that level of service
15 standards will be met;

16 (v) Intergovernmental coordination efforts, including an assessment
17 of the impacts of the transportation plan and land use assumptions on
18 the transportation systems of adjacent jurisdictions;

19 (vi) Demand-management strategies;

20 (vii) Pedestrian and bicycle component to include collaborative
21 efforts to identify and designate planned improvements for pedestrian
22 and bicycle facilities and corridors that address and encourage
23 enhanced community access and promote healthy lifestyles.

24 (b) After adoption of the comprehensive plan by jurisdictions
25 required to plan or who choose to plan under RCW 36.70A.040, local
26 jurisdictions must adopt and enforce ordinances which prohibit
27 development approval if the development causes the level of service on
28 a locally owned transportation facility to decline below the standards
29 adopted in the transportation element of the comprehensive plan, unless
30 transportation improvements or strategies to accommodate the impacts of
31 development are made concurrent with the development. These strategies
32 may include increased public transportation service, ride sharing
33 programs, demand management, and other transportation systems
34 management strategies. For the purposes of this subsection (6)
35 "concurrent with the development" shall mean that improvements or
36 strategies are in place at the time of development, or that a financial
37 commitment is in place to complete the improvements or strategies
38 within six years.

1 (c) The transportation element described in this subsection (6),
2 and the six-year plans required by RCW 35.77.010 for cities, RCW
3 36.81.121 for counties, and RCW 35.58.2795 for public transportation
4 systems, and the ten-year plan required by RCW 47.05.030 for the state,
5 must be consistent.

6 (7) An economic development element establishing local goals,
7 policies, objectives, and provisions for economic growth and vitality
8 and a high quality of life. The element shall include: (a) A summary
9 of the local economy such as population, employment, payroll, sectors,
10 businesses, sales, and other information as appropriate; (b) a summary
11 of the strengths and weaknesses of the local economy defined as the
12 commercial and industrial sectors and supporting factors such as land
13 use, transportation, utilities, education, workforce, housing, and
14 natural/cultural resources; and (c) an identification of policies,
15 programs, and projects to foster economic growth and development and to
16 address future needs. A city that has chosen to be a residential
17 community is exempt from the economic development element requirement
18 of this subsection.

19 (8) A park and recreation element that implements, and is
20 consistent with, the capital facilities plan element as it relates to
21 park and recreation facilities. The element shall include: (a)
22 Estimates of park and recreation demand for at least a ten-year period;
23 (b) an evaluation of facilities and service needs; and (c) an
24 evaluation of intergovernmental coordination opportunities to provide
25 regional approaches for meeting park and recreational demand.

26 (9) It is the intent that new or amended elements required after
27 January 1, 2002, be adopted concurrent with the scheduled update
28 provided in RCW 36.70A.130. Requirements to incorporate any such new
29 or amended elements shall be null and void until funds sufficient to
30 cover applicable local government costs are appropriated and
31 distributed by the state at least two years before local government
32 must update comprehensive plans as required in RCW 36.70A.130.

33 **Sec. 2.** RCW 64.06.020 and 2007 c 107 s 4 are each amended to read
34 as follows:

35 (1) In a transaction for the sale of improved residential real
36 property, the seller shall, unless the buyer has expressly waived the
37 right to receive the disclosure statement under RCW 64.06.010, or

1 unless the transfer is otherwise exempt under RCW 64.06.010, deliver to
2 the buyer a completed seller disclosure statement in the following
3 format and that contains, at a minimum, the following information:

4 INSTRUCTIONS TO THE SELLER

5 Please complete the following form. Do not leave any spaces blank. If
6 the question clearly does not apply to the property write "NA." If the
7 answer is "yes" to any * items, please explain on attached sheets.
8 Please refer to the line number(s) of the question(s) when you provide
9 your explanation(s). For your protection you must date and sign each
10 page of this disclosure statement and each attachment. Delivery of the
11 disclosure statement must occur not later than five business days,
12 unless otherwise agreed, after mutual acceptance of a written contract
13 to purchase between a buyer and a seller.

14 NOTICE TO THE BUYER

15 THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE
16 PROPERTY LOCATED AT
17 ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

18 SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR
19 MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE
20 PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT.
21 UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE
22 BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS
23 DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A
24 SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S
25 AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE
26 STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER
27 THE TIME YOU ENTER INTO A SALE AGREEMENT.

28 THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE
29 REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS
30 INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF
31 ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

32 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS
33 PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF
34 QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT
35 LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS,
36 ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER
37 TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE

1 BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS
2 OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT
3 BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR
4 WARRANTIES.

5 Seller is/ is not occupying the property.

6

I. SELLER'S DISCLOSURES:

7

If you answer "Yes" to a question with an asterisk (), please explain your answer
8 and attach documents, if available and not otherwise publicly recorded. If necessary,
9 use an attached sheet.

10

1. TITLE

11

Yes No Don't know A. Do you have legal authority to sell
12 the property? If no, please explain.

13

Yes No Don't know *B. Is title to the property subject to
14 any of the following?

15

(1) First right of refusal

16

(2) Option

17

(3) Lease or rental agreement

18

(4) Life estate?

19

Yes No Don't know *C. Are there any encroachments,
20 boundary agreements, or boundary
21 disputes?

22

Yes No Don't know *D. Is there a private road or easement
23 agreement for access to the property?

24

Yes No Don't know *E. Are there any rights-of-way,
25 easements, or access limitations that
26 may affect the Buyer's use of the
27 property?

28

Yes No Don't know *F. Are there any written agreements
29 for joint maintenance of an easement or
30 right-of-way?

31

Yes No Don't know *G. Is there any study, survey project,
32 or notice that would adversely affect the
33 property?

34

Yes No Don't know *H. Are there any pending or existing
35 assessments against the property?

36

Yes No Don't know *I. Are there any zoning violations,
37 nonconforming uses, or any unusual
38 restrictions on the property that would
39 affect future construction or
40 remodeling?

41

Yes No Don't know *J. Is there a boundary survey for the
42 property?

42

1 INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY
2 BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS
3 NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN
4 THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF
5 REGISTERED SEX OFFENDERS.

6 **II. BUYER'S ACKNOWLEDGMENT**

- 7 A. Buyer hereby acknowledges that: Buyer has a duty to pay
8 diligent attention to any material defects that are known to
9 Buyer or can be known to Buyer by utilizing diligent
10 attention and observation.
- 11 B. The disclosures set forth in this statement and in any
12 amendments to this statement are made only by the Seller and
13 not by any real estate licensee or other party.
- 14 C. Buyer acknowledges that, pursuant to RCW 64.06.050(2),
15 real estate licensees are not liable for inaccurate information
16 provided by Seller, except to the extent that real estate
17 licensees know of such inaccurate information.
- 18 D. This information is for disclosure only and is not intended to
19 be a part of the written agreement between the Buyer and
20 Seller.
- 21 E. Buyer (which term includes all persons signing the "Buyer's
22 acceptance" portion of this disclosure statement below) has
23 received a copy of this Disclosure Statement (including
24 attachments, if any) bearing Seller's signature.

25 DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY
26 SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME
27 SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER
28 OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM
29 THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO
30 RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN
31 STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE
32 RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE
33 AGREEMENT.

34 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE
35 STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE
36 OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
37 DATE BUYER BUYER

38 (2) If the disclosure statement is being completed for new
39 construction which has never been occupied, the disclosure statement is
40 not required to contain and the seller is not required to complete the
41 questions listed in item 4. Structural or item 5. Systems and
42 Fixtures.

1 (3) The seller disclosure statement shall be for disclosure only,
2 and shall not be considered part of any written agreement between the
3 buyer and seller of residential property. The seller disclosure
4 statement shall be only a disclosure made by the seller, and not any
5 real estate licensee involved in the transaction, and shall not be
6 construed as a warranty of any kind by the seller or any real estate
7 licensee involved in the transaction."

2SHB 2344 - S COMM AMD

By Committee on Transportation

8 On page 1, line 1 of the title, after "corridors;" strike the
9 remainder of the title and insert "and amending RCW 36.70A.070 and
10 64.06.020."

EFFECT: Removes the intent section and the section that requires
DOT to convene an abandonment review panel.

--- END ---